

BOARD OF SELECTMEN

March 23, 2010
Minutes

The Board of Selectmen met on Tuesday, March 23, 2010 in the Town Hall Clark Room. Those present were Selectmen Timothy F. Hult, John D. Williams, Douglas A. G. Stevenson, and Peter Scavongelli. Town Administrator Timothy D. Goddard was also present.

The meeting was called to order at 7:30 p.m.

Mr. Hult thanked the emergency workers in the Town who worked so diligently during the rainstorm. He said the responsiveness from the DPW and the Fire Department was extraordinary.

Town Administrator Report

Mr. Goddard said Chief Flannery was present to talk briefly to the Board about the rainstorm. David said he was here tonight in his role as emergency manager. He said the State has termed this storm the 'nor'easter flooding event' of March 12-15. The total amount of damage for the State is estimated at \$8.1million and for Middlesex County it is \$4.7million. David talked about the types of assistance that is being offered from the State, such as low-interest loans to homes that are no longer livable due to the storm. David also asked residents whose houses sustained structural damage, such as to their roof or foundation or heating system, to call him or the Town offices to report the damage. He said it is necessary to make a record of this. He encouraged residents to keep records of repairs and take pictures. He urged everyone to go to the Town web site for information. David also said there is also a telephone number residents can call; '211' which can answer all flood questions.

Mr. Goddard said attached to this report is an application from resident Diane Makovsky. Ms Makovsky is seeking appointment to one of the three vacant positions on the Personnel Board. He said Ms Makovsky has been a human resource professional for several years. On a motion made by Mr. Stevenson and seconded by mw it was **VOTED 4-0** to appoint Diane Makovsky to the Personnel Board for a three year term that will expire on June 30, 2013.

Mr. Goddard said in accordance with Ch. 129 of the Mass. General Laws, the Board must nominate annually the animal inspector(s) for the Town. Deborah Toher and Larry Sorli have indicated they are interested in being nominated for re-appointment. On a motion made by Mr. Stevenson and seconded by Mr. Williams, it was **VOTED 4-0** to nominate Deborah Toher and Larry Sorli for the positions of animal Inspector and that their names are submitted to the Department of Agricultural Resources for confirmation.

Mr. Goddard said he has been working with the Council on Aging and the Lowell Regional Transit Authority (LRTA) on an application to provide funding for the transportation services that the COA currently provides. Mr. Goddard said by joining the LRTA the Town will be able to use the \$24,000 MBTA assessment we pay annually to essentially purchase service from the LRTA. He said our COA drivers will continue to provide service to our seniors with our van and we will be reimbursed monthly by the LRTA for the net cost of providing the service. Mr. Goddard provided a proposed budget for FY11 for the Board to review. On a motion made by Mr. Scavongelli and seconded by Mr. Stevenson, it was **VOTED 4-0** that at the request of the Council on Aging, the Board petitions the Lowell Regional Transit Authority Advisory Board to become

a member community for the purpose of providing transportation services to Carlisle residents, especially our seniors.

Mr. Goddard said Rev. Steven Weibley of the Congregational Church is requesting the Board's permission to host three Sunday concerts this summer on the Town Common. In this request no specific dates were mentioned, however Rev. Weibley was seeking general support of the Board at this time. The Board was agreeable with this request, and suggested that Rev. Weibley also confirm with the First Religious Society.

Mr. Goddard said the Dana Farber Cancer Center has asked permission to hold a fundraising event, which consists of a Kid's Bicycle race on June 13, 2010 from 8:30 a.m. to 12:30 p.m. They have also contacted Police Chief John Sullivan for approval and recommendations on this event. On a motion made by Mr. Williams and seconded by Mr. Stevenson, it was **VOTED 4-0** to approve the Dana Farber Cancer Center's request to conduct a portion of its' June 13, 2010 bicycle race in the Town of Carlisle with the understanding that they shall consult with Chief Sullivan regarding traffic and roadway safety issues.

Mr. Goddard said there has been a request from the Census Bureau to use the Heald Room in the Town Hall for training from April 26th to April 30th. The Board agreed to allow the Census Bureau to use Town Hall for this purpose.

Mr. Goddard said during the nor'easter, the Chief asked the Chairman to declare a local state of emergency in the Town of Carlisle. Mr. Goddard said the purpose for this declaration is that it is a prerequisite for funding from the State. He asked the Board to reaffirm the act of the Chairman of the Board in a motion.

On a motion made by Mr. Williams and seconded by Mr. Stevenson, it was **VOTED 4-0** to declare a local emergency in the Town of Carlisle from March 12, 2010 to March 15, 2010, the duration of the storm event.

Proposed Building Permit Fees

Building Commissioner John Luther was present to discuss permit fees. He said the State has adopted a new energy code and will soon adopt a new building code. John said with these changes there will be more work and more hours needed to complete inspections. He added that the Finance Committee recommended the building department may need to revise its fee schedule. He said along with the fee increase the percentage of the fees that the Town receives will change. John explained that currently the fees that are collected are split 50% to the Building Department and 50% to the Town. John said the fees pay the Electrical Inspector, Plumbing Inspector and himself. The new proposal will be 60% to the Town and 40% to the Building Department.

The new building fees will go up as follows: the **average permit on \$100,000.00 construction cost** -the permit would go from **\$11.00 per thousand to \$14.00** per thousand; for **new homes** measuring 5000 sq. ft. the permit would change from **\$11.00 to \$15.00** per thousand, unless energy star is used, then it would be \$13.00. In response to Mr. Scavongelli, John said the last time the fees were raised was in 2008.

Mr. Hult said he thought these increases were high. He suggested that perhaps they could be raised incrementally.

Mr. Scavongelli said he was concerned about the timing of raising these fees. Mr. Stevenson said that he was concerned that Carlisle was becoming a less-affordable place to live. He proposed the following incremental increases: new building fees- \$13; homeowners that enroll in the Energy Star program - \$11, for all other building additions - \$12.00. He noted that these changes were \$2.00 less than Mr. Luther's proposal.

On a motion made by Mr. Stevenson and seconded by Mr. Williams, it was **VOTED 4-0** to adjust the building permit fees as follows: \$13.00 per thousand of construction cost on new buildings; \$11.00 per thousand of construction cost on new buildings if the building is enrolled in the Energy Star Program level 2 or higher; all of the costs are based on construction cost of \$200.00 per square foot for habitable area; in addition, \$12.00 per thousand of construction cost for all other building permits. It was further moved to include the schedule presented for the remainder of the other building permits, Electrical Permits, and Plumbing & Gas Permit fees. These fees will be reviewed in twelve months.

Mr. Hult asked John not to change the percentage of how the fees were split between the Town and his department yet. Mr. Hult said this matter will be reviewed again.

Continuation of the Stretch Code Public Hearing

Mr. Hult tonight the Board will be focusing on whether it will place the Stretch Code article on the Warrant. Mr. Stevenson said he has expressed his reservations on the Stretch Code. He said he felt that the Stretch Code can not be one that is accepted in only a few communities. Mr. Stevenson asked what other industries are there where the rules are different in each Town. Mr. Hult said he believed that this article should be on the Warrant. Mr. Williams said the Stretch Code should be on the Warrant.

James Bohn, of 180 Concord Street spoke to the Board about his opposition to the Stretch Code.

Mr. Stevenson pointed out that when the Energy Task Force was formed, the charter was not to develop codes, or local code restrictions. The initial goal was to have the Town develop strategies as it related to our Town properties and our buildings and our policies so we could set the example as to how we could save the taxpayers dollars and save energy at the same time.

On a motion made by Mr. Williams and seconded by Mr. Scavongelli, it was **VOTED 4-0** to place the Stretch Code Article on the Warrant.

On a motion made by Mr. Williams and seconded by Mr. Stevenson, it was **VOTED 4-0** to close the Public Hearing.

Discussion of Revised Site Plan Review Regulations

Planning Board chair David Freedman was present to go over the revised Rules and Regulations for the Site Plan Review. David went through all the changes in the document, which is attached hereto. He said this document reflects all the changes that were made from discussions with Mr. Stevenson, Mr. Hult, Michael Abend and himself.

David said there will be a public hearing on April 12th for the Site Plan Review bylaw and the Rules and Regulations.

David then passed forward a revised flowchart for the Board to review. (Also attached)

David asked if the Board would like to send a notice to businesses that have gone through the Site Plan Review to alert them of the Public Hearing.

Mr. Hult said in regard to the Wetland/Flood Hazard District Bylaw Amendment, it appears we have approved language. He asked if this amendment will make any difference to a homeowner. David said if we do not adopt these amendments anyone who is in a flood zone will not be able to get flood insurance.

David suggested that Mr. Goddard present this bylaw at Town Meeting.

Finalization of Annual Town Meeting Warrant

Mr. Goddard went through the Warrant Articles for the Annual Town Meeting of May 10, 2010. Mr. Hult said the Board will set aside the articles they felt needed further discussion.

Article 1 – Town Report

Articles 2 through 9 were the Consent Agenda

Article 10 – Fiscal Year 2010 Budget Transfer

Article 11 - Operating Budget, recommended by the Finance Committee.

Article 12 - Capital Equipment, recommended by Long Term Caps.

Article 13 - Capital Expenditure – Cisterns

Article 14 - Borrowing Authorization for Engine 6 Replacement

Article 15 - CCRSD Technology Stabilization Fund (the Board decided to discuss this article further)

Article 16 - Borrowing Authorization – CCRSD Feasibility Study

Article 17 - Borrowing Authorization – Minuteman Regional High School Feasibility Study for \$725,000

Article 18 - Professional Services for the Council on Aging

Article 19 - Professional Services for Planning Board

Article 20 - Reduction/Rescission of Community Preservation Act Surcharge -Non-binding article regarding the CPA.

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Approved: April 27, 2010

- Article 21 - CPA Annual Authorization – Mr. Hult said there were four (4) items on the list: the Bruce Freeman Rail Trail, the Bog House, Housing Coordinator, and the Carlisle Trails. He said the Community Preservation Committee will be meeting on Wednesday, March 24th to confirm that list. They will prepare a short paragraph about each item. It was noted that the Finance Committee has not made its recommendation on these items yet.
- Article 22 - Fiscal Year 2011 Stabilization Account Transfer for Debt Service
- Article 23 - Fiscal Year 2011 Free Cash Transfer to the Stabilization Fund. Transfer of \$75,000 of Free Cash.
- Article 24 - Fiscal Year 2011 Free Cash Transfer to Support Operating Budget
- Article 25 - Wetland/Flood Hazard District Zoning Bylaw amendment
- Article 26 - Zoning Bylaw Amendment – relates to the wetland/flood hazard district maps.
- Article 27 - Zoning Bylaw Amendment for the Site Plan Review
- Article 28 - Stretch Code
- Article 29 - Cranberry Bog House Repairs – the Board decided to discuss this article further.
- Article 30 - Acquisition of Hanover Hills Pathway Easements
- Article 31 - Acquisition of Bruce Freeman Rail Trail Easements

On a motion made by Mr. Stevenson and seconded by Mr. Williams, it was **VOTED 4-0** to place all of the Articles on the Warrant except Article 15 and Article 29.

Louis Salemy from the Concord-Carlisle Regional School Committee was present to discuss Article 15. He said there is a present demand for technology but clearly a constraint on the budget. Louis said what this article proposes is to seed a fund with a little money. He called it a smoothing mechanism. It will keep their technology purchases on an even keel without being subject to the yearly changes in the budget. In reply to Mr. Stevenson, Louis said the School Committee will have the authority to spend money out of the stabilization fund. In reply to Mr. Hult, Louis said yes, this is money that would essentially go into the E & D account. Mr. Stevenson pointed out that they would be artificially depleting their E & D account. On a motion made by Mr. Scavongelli and seconded Mr. Stevenson it was **VOTED 4-0** to place Article 15 on the Warrant.

Mr. Hult said on April 15th a Forum has been scheduled to discuss the \$1.3million Feasibility Study Warrant Article for the High School.

The Board discussed Article 29, Cranberry Bog House Repairs. Mr. Hult said this article is also included in the CPA article. The amount needed for the Bog House Repairs is approximately \$165,000. The primary goal is to sustain the building structurally. Mr. Hult said there has been a funding discussion for this article and the only funding source for this item was the CPA. There was no motion to place Article 29 on the warrant.

On a motion made by Mr. Stevenson and seconded by Mr. Williams, it was **VOTED 4-0** that the Warrant for the May 10th Annual Town Meeting was closed and that it shall include thirty (30) articles as presented by the Town Administrator, including the recommendations of the Selectmen, Finance Committee, Long Term Capital Requirements Committee and the Community Preservation Committee; and that pursuant to the requirements of the MGL Ch. 40A, §5, the Board also hereby refers the proposed zoning bylaw amendments: Article 25 (Section 5.2, Wetland/Flood Hazard Districts), Article 26 (Section 2.2, Location of Districts), Article 27 (Section 7.6, Site Plan Review) to the Planning Board for their review in order to make recommendations to Town Meeting.

On a motion made by Mr. Stevenson and seconded by Mr. Scavongelli it was **VOTED 4-0** to add the debt exclusion question regarding the proposed Feasibility Study/Schematic design of renovations, repairs and

improvements to Concord Carlisle High School as Question 1 to the May 18, 2010 Annual Town Election ballot.

On a motion made by Mr. Stevenson and seconded by Mr. Williams, it was **VOTED 4-0** to add the debt exclusion question regarding a proposed feasibility study to consider options for making improvements to the Minuteman Regional Vocational Technical School District's High School as Question 2 to the May 18, 2010 Annual Town Election ballot.

On a motion made by Mr. Stevenson and seconded by Mr. Williams, it was **VOTED 4-0** to add the debt exclusion question regarding the purchase of a new fire engine to replace Engine 6 as Question 3 to the May 18, 2010 Annual Town Election ballot.

On a motion made by Mr. Stevenson and seconded by Mr. Williams, it was **VOTED 4-0** to add the non-binding referendum question and background material regarding the Community Preservation Act to the May 18, 2010 Annual Town Election ballot as Question 4.

Special Town Meeting – April 5, 2010

On a motion made by Mr. Stevenson and seconded by Mr. Williams, it was **VOTED 4-0** to support Question 1 and the Ballot Question for the April 5, 2010 Special Town Meeting, in the amount of approximately \$20million for the additions and renovations to the Carlisle Public Schools with the expectation of reimbursement from the MSBA program in the amount of approximately \$7million.

Minutes

On a motion made by Mr. Scavongelli and seconded by Mr. Williams, it was **VOTED 4-0** to approve the Minutes to the Board of Selectmen meeting of March 9, 2010.

At 10:09 p.m. a motion was made by Mr. Williams to go into Executive Session for the purpose of discussing litigation and collective bargaining, with the intent not to return to open session. The motion was seconded by Mr. Stevenson and the following roll call vote was taken: Hult – aye; Williams – aye; Stevenson – aye; and, Scavongelli – aye.

Respectfully submitted by Margaret M. deMare